

Message Text

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ORIGIN EUR-12

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FM SECSTATE WASHDC

TO AMEMBASSY BONN PRIORITY

USMISSION USBERLIN PRIORITY

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

AMEMBASSY BERLIN

USMISSION NATO

USMISSION EC BRUSSELS

C O N F I D E N T I A L STATE 056984

E.O. 11652: GDS

TAGS: PGOV, PFOR, EEC, WB, GE, GW

SUBJECT: BERLIN AND DIRECT ELECTIONS TO THE EUROPEAN
- PARLIAMENT

REF: (A) BONN 2774; (B) USBERLIN 364; (C) BONN 3348;
(D) USBERLIN 401

1. DEPARTMENT HAS FOLLOWING COMMENTS ON ISSUES RELATING TO
ELECTION OF BERLIN REPS TO EUROPEAN PARLIAMENT RAISED IN
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REFTELS:

(A) FRG PROPOSAL FOR BERLIN CLAUSE TO ELECTION LAW (REF (A)) IS ACCEPTABLE MEANS OF PROVIDING FOR INDIRECT ELECTION OF BERLIN DEPUTIES. DEPARTMENT CAN ACCEPT DRAFT TEXT AND PROPOSAL FOR ELECTION BY HOUSE OF REPRESENTATIVES.

(B) CONCERNS LEADING TO UK DESIRE FOR PROTOCOL TO EC CONVENTION STRIKE US, TOO, AS BEING SOMEWHAT THEORETICAL, AND WE IN ANY CASE WOULD DEFER TO EC MEMBERS ON REQUIREMENTS FOR SUCH A STEP. HOWEVER, THE TYPE OF UNILATERAL STATEMENT FOR THE RECORD DESCRIBED BY USBER IN REF (D) WOULD HAVE THE ADVANTAGE OF INCLUDING THE BERLIN STATEMENT IN EC DOCUMENTS IN THE SAME FASHION AS WAS DONE IN 1957. IF FRG BELIEVES SUCH A STATEMENT IS ACCEPTABLE, WE WOULD RAISE NO OBJECTION AND WOULD IN FACT SEE ADVANTAGES FROM A PRESENTATIONAL POINT OF VIEW.

(C) WE HAVE NO STRONG FEELINGS ON OTHER UK CONCERNS REPORTED IN PARA 3 OF REF (C). WE DO, HOWEVER, SEE NO REASON TO SUBSTITUTE "BERLIN (WEST)" FOR "LAND BERLIN" IN THE BERLIN CLAUSE.

(D) DEPARTMENT AGREES THAT ALLIES SHOULD ISSUE DOCUMENT TO SHOW THAT RESERVATION MADE BY FRG IS RESULT OF ALLIED EXERCISE OF AUTHORITY. WE PREFER, HOWEVER, BK/L TO BK/O, SINCE THIS IS MORE NORMAL WAY TO DEAL WITH SUCH AN ISSUE AND WE HAVE NO PROBLEM ABOUT, RELEASING A BK/L TEXT IF DESIRED. WE WOULD NOT WISH TO IMPLY THAT DIRECT ELECTION CONVENTION CALLED FOR MORE OF A LAW MAKING ALLIED EXERCISE THAN ORIGINAL EC CONVENTION.

(E) WHETHER BK/O OR BK/L, WE BELIEVE TEXT ALONG LINES SUGGESTED BY US BERLIN (PARA 6, REF B) WOULD BE APPROPRIATE. IN OUR VIEW, IT WOULD BE SUFFICIENT TO HAVE THE FIRST SENTENCE SIMPLY READ "THE ALLIED KOMMANDATURA APPROVES THE APPLICATION TO BERLIN OF THE ABOVE-NAMED TREATY SUBJECT TO ALLIED RIGHTS AND RESPONSIBILITIES." THIS FORMULATION OR SOMETHING SIMILAR SHOULD ADEQUATELY SAFEGUARD THE ALLIED POSITION, WITHOUT UNNECESSARILY CASTING DOUBT ON THE FULL LEGAL COMPATIBILITY OF THE ELECTION AGREEMENT WITH ALLIED OBLIGATIONS.

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(F) DEPARTMENT STRONGLY AGREES THAT NO ACTION SHOULD BE TAKEN ON QUESTION OF VOTING RIGHTS. IN OUR VIEW WE SHOULD PROCEED FROM THE ASSUMPTION THAT BERLIN DEPUTIES WILL POSSESS ALL RIGHTS GRANTED TO DIRECTLY-ELECTED MEMBERS OF THE PARLIAMENT. PROTECTION OF ALLIED RIGHTS CONTAINED IN APPROPRIATE AK DOCUMENT WOULD LEAVE US ENOUGH LATITUDE TO LIMIT VOTING RIGHTS IN FUTURE -- IF NECESSARY. IN OUR VIEW, ANY MORE DIRECT STATEMENT BY ALLIES WOULD MAKE PUBLIC

ISSUE OF ENTIRE QUESTION OF VOTING RIGHTS AND WOULD SURELY
DRAW A SOVIET RESPONSE.

2. CONCERNING THE OVERALL QUESTION OF SOVIET RESPONSE
RAISED IN PARA. 14 OF REF(C), DEPARTMENT AGREED THAT FIRST
CONCERN OF BONN GROUP SHOULD BE TO PRESERVE ALLIED RIGHTS
AND RESPONSIBILITIES IN BERLIN. HOWEVER, WE CANNOT OVER-
LOOK THE FACT THAT THE SOVIETS HAVE FOCUSED ON THE ENTIRE
QUESTION OF BERLIN'S RELATIONSHIP TO THEEC AS MAJOR
POINT OF ATTACK AGAINST WESTERN POLICIES IN THE CITY. IN
OUR VIEW, ANOTHER IMPORTANT ALLIED OBJECTIVE IS TO ASSURE
THAT BERLIN'S RELATIONSHIP TO THE EC DEVELOPS AS FULLY AND
AS SMOOTHLY AS POSSIBLE. THIS GOAL WILL BE EASIER TO
ACHIEVE IF STEPS SUCH AS ELECTION OF BERLIN'S REPRESENTATIVE
UNDER NEW EC ELECTION LAW ARE CARRIED OUT WITH AS LITTLE
PUBLIC DEBATE AS POSSIBLE. SO FAR, THE PROCESS HAS BEEN

CARRIED OUT SMOOTHLY AND WITH LITTLE PUBLIC DEBATE. WHILE
NOT WANTING TO WEAKEN NECESSARY LEGAL MEASURES, DEPARTMENT
BELIEVES STRONGLY THAT CONSIDERATION SHOULD BE GIVEN TO
PRESENTING ALLIED AND FRG DECISIONS IN A FASHION LEAST
LIKELY TO STIMULATE PUBLIC DEBATE OR RAISE UNNECESSARY
QUESTIONS, EITHER WITHIN THE FRG OR BETWEEN THE WEST AND
THE SOVIETS AND GDR. KISSINGER

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